

Mayor and Council
Public Hearing
Tuesday, 27 April 2004, 7:00

Community Development Block Grants - 4th Ave Wall and Orndorff and Brunswick Heights Improvement Project.

Mayor - Explains enactment of grant program, pointing out that it was created by Congress. Grant monies is administered by the State of Maryland for community development purposes.

The City wishes to apply for two grants, 4th Ave Wall and Brunswick Heights.

Public Comment:

Mary Elizabeth Bowie - Resident Brunswick Heights Community. Resident for over 20 years. Represents core group of residents to improve conditions for the area. Recent improvements are appreciated. Speaks in support of project.

Larry Fitzgerald, 114 Orndorff Dr. - Speaks in support of project. Believes improvements in area help enhance entire City.

Virginia Floyd, Jefferson resident, her son lives in targeted area. - Supports project and thanks City for their forward thinking. The situation exists due to the lack of Home Owner's Association, etc.

Charter Amendment:

Resolution to repeal Article VIII, Waterworks and sections 1670, 16-71, and 16-72 to enact a new Article VIII Waters and Sewers.

Resolution to amend section 16-2 and 16-2.1 -Boundaries.

Rick Stup - Overview of need for Charter change, i.e. boundary issues.

Sanitary Sewer Tap Allocation Policy

Rick Stup gives overview

Public Comment:

Christina Toras, Corporate Attorney, representing 84 Lumber. Requests 5 taps that are needed for the project. Will invest \$2M, creating 20-40 jobs with annual \$800,000 salaries a year.

Mayor and Council Meeting

Tuesday, 27 April 2004, 7:20 p.m.

Roll Call - Harrington, Smith, Greenfield, Stull, Castle, Bell; all present

Mayor Remarks - 70 campers at campground for an annual event of walking the C&O canal.
The City has received a Maryland Main Street Designation from the State.
Welcome Naomi Smoot-Kimble as new Frederick Post reporter.

Award of Appreciation - Thomas Campbell who retires after seven years.

Citizens Forum - none

Community Legacy Proposal -
Castle gives overview

Smith - Questions whether City Staff can offer \$30,000 in-kind help for project.

Castle - A group will be formed to assist with in-kind services.

Mayor - Scope has changed when cost went from \$60,000 to \$30,000. Community Legacy is a City-wide program.

Motion Castle - To award bid to HNTB not to exceed \$29,300
2nd - Stull

Smith - Questions if downtown will be targeted.

Vote - 6 - 0 to approve

WWTP Bid Award-
Motion to approve View Engineering for Design Consultant - Smith
2nd Bell
Vote 6 - 0

Fireworks bid -
Geri Reynolds, July 2, Rain Date July 3
Recommend Schaefer Pyrotechnics, Inc. for award
Motion Greenfield to award
2nd Stull
Vote to approve 6 - 0

BHS Athletic Boosters, Cow Pie Bingo

Geri Reynolds
Request to use Sports Complex for event
Motion to use field Harrington
2nd Greenfield
Vote to approve 6 - 0

Street Sweeper & Trash Collection - overview from Dave Dunn...local businesses in support of contract with Hopwood Enterprises & dates & times of service

Bell - inquires as to whether signage would need to be updated

Dunn - Signs would need updated

Motion to award Street Sweeping Contract to Hopwood Enterprises thru June 30, 2005 -
Harrington
2nd - Smith
Vote - 6-0

Trash Collection - Overview from Dave Dunn - recent problems with citizens putting out large amounts of trash, some of which are remodeling trash, move out trash, etc. -

Would like to enact some kind of official guidelines...contractor billing homeowner for extra pick-ups, contractor billing city & city billing owner, contractor notifying residents...all options for what to do with bulk trash pick up

Smith - Has a problem with contractor billing City for expense

Castle - Recommends have Solid Waste meeting before next Council meeting to make Ordinance recommendations.

Resolution 04-03 CDBG Grant
Motion to pass Resolution 04-03 Grant CDBG - Castle - Brunswick Heights
2nd Greenfield

Smith - Acknowledges effort of residents of Brunswick Heights

Stull - Great program and supports program

Bell - Is there a plan if grant is not approved? Blacktop will be needed eventually. Residents will have to cooperate to correct situation.

Castle - Community Legacy may be an avenue in the fall.

Smith - Questions where Brunswick Heights is on paving list.

Bell - The area is not on the list currently.

Vote to approve 5 - 0

Stull abstains

Resolution 04-04 for CDBG Grant for 4th Ave Wall improvements

Castle - Motion to approve resolution 04-04 \$251,675

2nd Stull

Smith - Questions where cost proposal originated.

Castle the length is 325 feet.

Joe Moss - The cost involves stairwell, utilities behind wall. etc.

Smith - Has problem with City assuming responsibility for wall.

Mayor - Most importantly, the wall is in the right-of-way. Surveys were conducted and residents qualify for LMI under CDBG program.

Vote to approve Resolution 04-04, (5-1) 5 for, 1 against, Smith against.

Smith - Understands importance of wall, but against.

Mayor - Questions statement that all grant money goes Downtown, i.e. Sports Complex, SGTP grants must be downtown, Pool upgrade, 2nd & B St Restoration, West End Park, etc. We will continue to explore all grants.

Steve Collings 17 East A St. - Sidewalk replacement project - Disapproves of sidewalk replacement and historic bricks being removed. New sidewalks have created drainage problems. Also problem with the issuance of parking tickets to residents in these areas.

Mayor - Purpose of parking permits to prevent commuters taking parking spaces.

Bell - Residents on Maryland Ave are glad to have permit program.

Steve Collings 17 East A St. - Believes he deserves two reserved parking spaces in front of home. Questions where visitors park.

Mayor - Questions whether consideration was given to parking condition in area.

Resolution 04-05, Water & Sewer - overview from Rick Stup

Resolution 04-06, Charter Amendment to correct deficiency to boundaries in Charter.

Motion Stull to approve 04-05, Water & Sewer

2nd Bell

Vote to approve 6 - 0

Motion Stull to approve 04-06, Boundaries

2nd Bell

Vote to approve 6 - 0

Break 8:45 - 9:00 p.m.

Rick Stup - Sanitary Sewer Tap Allocation Policy.

Overview - Report attached

Staff recommends Council eliminates Sitting Fee and adopt benefit assessment for properties. If policy is to reserve taps for all sitting fees then current projects are in jeopardy, i.e., Middle School addition, etc.

Staff recommends provisions of attached "Water & Sewer Allocation Policy".

Bell - Questions if a lot is purchased in 1960 and lot of record, with allocation already.

Stup - The property had no standing for allocation, whether fee is charged is up to Council.

Smith - Points out that sitting fee was established to cover residents that go to Florida for 6 months.

Smith - Inquires waiting list for taps. Questions if Dean Moore and Middle School projects have taps.

Stup - Dean Moore and Gum Springs were in the process and received taps. The Middle School was not in process and is on waiting list for one of the remainder of taps.

Harrington - If resident pays continued minimum fee will it stay in allocation?

Stup - Only if there is flow.

Smith - Major concern if house is unoccupied for three years will they have to pay Capacity Fee again. Believes the regulations should be legislated and not up to interpretation.

Stup - Staff does not have authority to waive but Council can.

Mayor - History shows we have not charge for tap fee if paid once

Smith - Motion to adopt Water & Sewer Allocation Policy
2nd Bell

Bell - Questions terminology between tap and capacity fee.

Stup - The Tap Fee is replaced in Water & Sewer Regulations with Capacity Fee.

Vote to approve Policy - 5 for, 1 against (Harrington)

Harrington - Go on record that his opposition is based on insufficient information at this time for policy.

Tap Allocations

Motion to allocate 5 taps to 84 Lumber - Bell
2nd Stull
Vote, 6 - 0 to approve

Motion to allocate 1 tap to 411 Second Ave.- Bell
2nd Castle
Vote 6 - 0

Motion to allocate 1 tap to 23 South Virginia Ave. - Castle
Bell - Questions that this address was disapproved due to lack of water capacity.
2nd Bell
Vote to approve 6 - 0

Motion to allocate 1 tap to 27 East D St - Bell
2nd Greenfield
Vote to approve 6 - 0

Motion to allocate 1 tap to 21 West J St. - Stull
2nd Greenfield
Vote to approve 6 - 0

Motion to allocate 1 tap to 26 East F St. - Bell
2nd Stull
Smith - Suggests making motion to make owner pay the delinquent \$1,100 sitting fee in addition to other fees.
Vote to approve 5 For, 1 abstained, Castle abstained

Mayor - Council can reach consensus by vote that Council does not intend to charge Tap Fee

with pending Resolution, to be drafted.

Motion that Council does not intend to charge a Tap Fee if property is currently paying Sitting Fee.- Harrington

2nd Stull

Vote to approve 6 - 0

DVL - letter read by Rick Stup...request from attorney to postpone issue until next Council meeting

Rick Stup - Intersection/Driveway Sight Distances—overview from Rick

Motion Smith to accept Sight Plan Policy

2nd Castle

Bell - Many are in violation in City now?

Stup - Does not apply to existing driveways.

Vote 6 - 0 to approve

Adjourned 10:00 p.m.

Approved By: _____
Mayor Date

Witnessed By: _____
City Administrator Date